

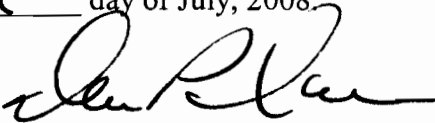
Thus, the Clerk determines that the taking of the depositions was necessary and allows the requested fees in the amount of \$1,724.90.

In Response to Defendant's Motion for Costs, Plaintiffs argue that the Clerk should not award costs because (1) the case involved "close and difficult issues of law," (2) the action was brought in good faith, and (3) Defendant is "in a better position to absorb th[e] costs." [DE. 51.] The closeness or difficulty of a case is a factor to consider when awarding costs. *White & White, Inc. v. American Hosp. Supply Corp.*, 786 F.2d 728, 730 (6th Cir. 1986)¹; *see also Teague v. Bakker*, 35 F. 3d 978, 996 (4th Cir. 1994) (citing *White & White* for the same proposition). Good faith is "a relevant but insufficient basis for denying costs." *White & White*, 786 F.2d at 730. The ability of the prevailing party to pay costs of litigation is an "inappropriate factor when determining whether to deny costs." *Id.*

The Clerk determines that the instant case was not close and difficult. The District Court found that Plaintiffs claims created no genuine issues of material fact and failed as a matter of law. Order Granting Summary Judgment for Defendant, [DE 48]. Good faith alone does not warrant a denial of costs to the prevailing party. *Id.*

Accordingly, the Bill of Costs is ALLOWED and taxable against Plaintiffs in the amount of \$1,724.90.

SO ORDERED this the 18th day of July, 2008.


Dennis P. Iavarone, Clerk of Court

1. The case cited in Plaintiffs' Response to Defendant's Motion for Costs, *Allstate Ins. Co. v. Michigan Carpenters' Council Health & Welfare Fund*, 760 F. Supp. 665 (D.C. Mich. 1991), relies on *White & White*. *See Allstate Ins. Co. v. Michigan Carpenters' Council*, 760 F. Supp. at 670 (D.C. Mich. 1991).